Approved For Release 2008/10/21 : CIA-RDP86B00338R000300430025-7

ance with section 7(a) of that Act. Projects described in such survey reports shall be considered for Committee action only if they are submitted as prospectuses in accordance with section 7(a) and they shall be subject to the provisions of subsection (a) of this rule.

Rule 16. Broadcasting of Hearings.—Public hearings of the Committee, or any Subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the Chairman through the Chief Clerk. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or Staff on the dais, nor with the orderly process of the hearing.

Rule 17. Amendment of Rules.—The rules may be added to, modified, amended or suspended by a majority of the Committee Membership.

PROPOSED RULE ON PUBLIC BUILDINGS

The proposed rule in general incorporates the same procedure the Committee has been following informally (without rule); it conforms to the legislation which the Committee adopted unanimously in both the 96th and 97th Congresses (S. 2060 and S. 533).

1. Except for leases (which the Committee has refused to approve for 4 years) and emergency repair projects, the Committee would act on all prospectuses by May 15 in the same session in which they are submitted. Prospectuses rejected by majority vote, or not contained in any bill reported to the Senate, would be returned to the GSA and must be resubmitted in order to be considered for action by the Committee during the next session of the Congress.

2. Building project surveys submitted under section 11(b) of the Public Buildings Act of 1959 would not be considered by the Committee as being prospectuses subject to approval by committee resolution in accordance with section 7(a) of that Act. Such projects would be considered for Committee action only if they are submitted as prospectuses in accordance with section 7(a) of the Act.

These new procedures would: (A) Help to nullify arguments encountered by the Committee last year that no action is tantamount to approval. (B) Put authorizations of buildings on the same schedule as other authorizations (May 15). (C) Require GSA to send all prospectuses up before May 15, instead of in a piecemeal fashion throughout the year. The Committee cannot make rational judgments on the program when it is submitted piecemeal, and it should not be required to act on one group of projects when it does not know what else may later be submitted the same year.●

TECHNOLOGY TRANSFER AND SOVIET INDUSTRIAL ESPIONAGE

● Mr. GARN. Mr. President, recently I introduced legislation, S. 434, that would remove the primary administrative and enforcement responsibilities for export controls from the Commerce Department and vest them in an independent Federal agency, the Office of Strategic Trade.

The Soviets and their Warsaw Pact allies have obtained vast amounts of militarily significant Western technology and equipment through legal and illegal means. The Soviet effort is massive, well planned, and well managed—a national program approved at the highest levels of government.

In view of the high priority assigned to obtaining Western technology by the Soviet Union, the United States must organize more effectively than it has in the past to protect the mutual security interests of ourselves and our allies. The Office of Strategic Trade Act of 1983 addresses the inability of the current export control system, as administered by the Department of Commerce, to carry out its responsibilities under the Export Administration Act. The bill is a rewrite of the Export Administration Act of 1979 and if adopted would replace that act when it expires on September 30, 1983.

Recently, I read a copy of a speech given by Rear Adm. E. A. Burkhalter, Jr., USN to the Armed Forces Communications and Electronics Associations's western conference and exposition. In his speech, Admiral Burkhalter, the Director of the Intelligence Community Staff, states that—

Stealing technology has been assigned the highest priority for KGB (Soviet Intelligence Service) and GRU (Military Intelligence Service) collection.

The Soviet State Committee for Science and Technology relies on these two agencies to acquire about 70 percent of its technology acquisition requirements. The Soviet Union, a nation plagued with overcentralization, low productivity, and lack of imagination, has a fundamental dependency upon American technology for its own military expansion. These are not unwarranted suspicions, these are facts. We need to be sensitive to the extent of Soviet efforts to acquire Western technology through illegal means. I therefore commend Admiral Burkhalter for his fine statement on this subject, and I urge my colleagues to review his remarks.

I ask that Admiral Burkhalter's statement be printed in the RECORD.

The statement follows:

SOVIET INDUSTRIAL ESPIONAGE

(Remarks by RADM E.A. Burkhalter, Jr., USN Director, Intelligence Community Staff)

It was Lenin who first said that the Soviet Union could depend upon the West for military technology, back in the 1920s. "The capitalists," said Lenin, "will sell us the rope we need to hang them."

He was right.

Both the Soviet Union and the United States have come a long way in the past sixty years, but we are still selling them rope.

The latest Soviet ICBMs use gyros, accelerometers, and precision bearings manufactured by American equipment.

Many of the trucks that carried Soviet troops into Afghanistan were built at the Kama Truck Plant, constructed with 1.5 billion dollars worth of modern American and European automotive production machinery.

The new Soviet strategic transport plane incorporates many distinctive features of our C-5A.

Over the past ten years, the Soviets acquired enough state-of-the-art Western microelectronics production equipment to fit out their own fledgling industry. We in intelligence are only just beginning to see the resulting enhancements in Soviet weapons and sensors.

It is not news to any of you that the Soviet Union has been embarked on a massive military buildup for nearly two decades now. They have fielded some 200 new weapon systems per decade since the early 1960s, and the pace continues. Soviet military manufacturing capacity expanded 80 percent over this period. Today, one quarter of all these plants are undergoing further expansion. The Soviets are building new tanks, new bombers, new fighters, missiles, submarines, cruisers, even full-scale aircraft carriers.

You in this room know better than anyone else that today's weapon systems depend upon modern technology: microelectronics, communications, computers, advanced propulsion systems and materials. It takes a highly motivated and sophisticated industry to invent, develop, and produce the weapons of modern warfare. Here in the Bay Area, we stand in the heart of the greatest concentration of high-technology industry in the Western world. Surely the Soviets must have a Silicon Valley of their own, supporting their massive military buildup.

Yes, the Soviets do have such an industry. Unfortunately, you are part of it.

Anyone who has studied the Soviet economy knows that it is plagued by overcentralization, bureaucratic inertia, low productivity, and lack of imagination. There are selected areas of their military industry marked by aggressive research and development efforts; but, by and large, those who innovate, who take risks in research and development, come to grief if they cannot show immediate, tangible results.

So where does the Soviet Union turn for ready-made, proven, state-of-the-art technology? Technology that is cheap, and sometimes free? Technology that is necessary not only to Soviet military expansion, but to the development of its industrial base, even its agriculture? The Soviet Union turns to you, to the best technological minds in the world, for what it needs.

What I am about to describe for you in the next few minutes is not conjecture. It is not theory. It is certainly not alarmist propaganda. I am going to describe the Soviet Union's espionage effort directed against the high-technology industries of the United States. These are not allegations, but facts, substantiated by the American intelligence community, and in many cases proven in courts of law.

As voracious as the Soviet appetite for American technology is, their collection effort is not like a simple vacuum cleaner. At the highest level, the Soviet State Committee for Science and Technology considers the needs of the Soviet military, and—to a lesser extent—the civilian scientific and industrial communities. It formulates these technology needs into acquisition requirements.

About 30 percent of these technology requirements can be met by legal, open means: subscribing to periodicals such as Aviation Week, attending international conferences, sending scientists to do research at American universities, or buying equipment that is available for unrestricted international sale. One of the more productive means by which the Soviets have acquired large amounts of valuable information in recent years has been adroit use of the Freedom of Information Act. Just by asking the right questions, the Soviets are able to pull from federal government files reams of technical data not otherwise available to

Approved For Release 2008/10/21 : CIA-RDP86B00338R000300430025-7

Approved For Release 2008/10/21 : CIA-RDP86B00338R000300430025-7

the public, much of it only recently declassified.

As voluminous and valuable as this openly available information is—and who is this room has not been shocked by the details of sensitive projects being published in the open press?—as voluminous as this unrestricted information is, it constitutes less than a third of what the Soviet State Committee for Science and Technology figures it needs. For about 70 percent of its technology acquisition requirements, the Committee turns to the Soviet intelligence services: the KGB, and the military intelligence service, the GRU.

Technology acquisition is not just another requirement laid on Soviet intelligence, relegated to a position low on the priority list. Former KGB officers and their agents, now in the West, have told us quite clearly that acquiring—stealing—technology has been assigned the highest priority for KGB and GRU collection. Because of the tangible nature of the target, success is easily measured: collection of technical information and devices wins sure praise for Soviet intelligence officers from the KGB and GRU bosses. In fact, the two services compete strenuously for such recognition, each trying to outdo the other in sending high-value technology back to Moscow.

Now let me describe the Soviet industrial espionage effort in this country by the use of examples. Each of these recent cases illustrates various facets of the Soviet intelligence threat to American high-technology industry.

First, let me emphasize that the Soviets have been at the technology transfer game for a long time, as Lenin's comment about the capitalists and the rope indicates. It is not just a recent phenomenon. Everyone recalls the Soviet theft of our atomic weapons technology after World War II. They copied the B-29 bomber, calling it a Tu-4. The engine in their Korean War-vintage Mig-15 fighter was copied from Rolls Royce.

Unfortunately, there are many cases from more recent times which hit a little close to home.

In 1977, a man named William Holden Bell was working as a radar engineer in the Los Angeles area. Bell had gotten himself into financial problems; he was burdened by overdue debts and back taxes. He had a neighbor named Marian Zacharsky, who made no secret of the fact that he was the West Coast manager of a Polish machinery importing firm named POLAMCO. POLAMCO is incorporated in Delaware and Illinois, and has offices not only in Los Angeles, but also in Chicago and Detroit.

Now Zacharsky did not strong-arm Bell into giving him secrets. He was much more subtle. They played tennis together, saw each other socially. They became friends, and if Bell needed anything, he needed a friend. A friend able to help him out of his financial difficulties. Bell provided Zacharsky several business contacts, quite harmless, and was surprised when in return Zacharsky gave him $4,000 in cash. Zacharsky went on to tell Bell that if he continued to provide valuable assistance to POLAMCO, he might even be hired as a well-paid consultant. My friends, the hook was in and set.

Bell was anxious to cinch the job, and to prove his value to Zacharsky, gave him a SECRET document he had been working on. More money changed hands. Seeing the light at the end of his financial tunnel, Bell laid his hands on more classified documents and gave them to his new-found friend: specifications for the F-15 fighter's look down/shoot down radar, the B-1 and Stealth quiet radar, an all-weather tank radar, the Phoenix air-to-air missile, the Patriot and Improved Hawk surface-to-air missiles, a towed-array submarine sonar.

Over a three-year period, Zacharsky gave Bell $110,000 for all this information. A lot of money for Bell, but for the Soviets it was dirt cheap. They saved hundreds of millions of dollars and years of research and development time.

The Bell/Zacharsky case illustrates several facts about Soviet industrial espionage that I would like to point out.

Note first that I said Soviet espionage, while Zacharsky was a Polish agent. Eastern European agents who have defected to the West or who have been apprehended and questioned have made it perfectly clear: their intelligence services are closely entwined with those of the Soviet Union. They respond to Soviet collection tasking, and the USSR benefits from everything of value that they collect.

Note too that Zacharsky represented an overt, legal, Polish trading company while also conducting clandestine intelligence oprations. There are more than 30 such firms in the United States, under Soviet or East European ownership, and all of them provide cover for intelligence collection operations. In fact, these firms chartered in the U.S. can legally buy controlled technology. Only when they attempt to export it are they breaking the law. To say the least, this is a distinction that is tremendously difficult to police.

Let me point out another important fact. Bell was not a political radical or a subversive; he did not seek out Zacharsky and try to sell him secrets; nor was he blackmailed. In virtually every case, Soviet recruitment—and that's what it was in the Bell case—Soviet recruitment is more subtle. Bell needed a friend, so Zacharsky was friendly. Bell needed money, so Zacharsky provided it. Zacharsky was not a heavy-handed, trench-coated caricature of the Soviet agent. He was in his 30s, tanned, athletic, little accent.

Note too that Bell kept up his treason for three years. He had little difficulty in getting access to projects he had no need to know about. He had little difficulty in getting documents out of the building in which he worked. His superiors and co-workers knew he was under financial duress, but paid no special attention when his problems suddenly ceased. He made no secret of his association with POLAMCO, and in fact travelled openly to Austria and Switzerland, where he met with Polish agents. As of the time Bell was arrested in 1980, his security background investigation had not been updated in 28 years. Twenty-eight years.

Let me move on to another case, a very different one.

There is a computer software company in a Virginia suburb of Washington, named Software AG of North America. The company had developed a highly sophisticated program for data base management named ADABAS. In 1979, a Belgian purchasing agent contacted Software and tried to buy the ADABAS program. It soon became clear that the Belgian was representing the Soviet Union, and the company contacted the FBI. Software AG strung the agent along for seven months, during which time the amount he offered for the program tripled, and he made repeated assurances that the company's proprietary interest would not be compromised, as the Soviets were not about to turn around and sell the program to Software's competitors.

Finally, the Belgian got discouraged, but that was not the end of the Soviet effort. The Belgian purchasing agent next went to another company in the same building and asked them to procure the ADABAS program for him. They too called the FBI. Finally, an FBI agent posing as a Software employee who had stolen the program tape delivered it to the Belgian, who was promptly arrested.

Still that was not the end of the Soviet quest for the ADABAS program. In 1981, at two trade shows in Washington, Soviet diplomats tried to buy the program from the company. When they were turned down, inquiries came in from the Hungarian embassies in the United States, and later in West Germany and Japan. When the Hungarians were turned down, the Poles began to show an interest in getting the program.

Well, what lessons are to be learned from the Software/ADABAS case?

First, note that it was a Belgian purchasing agent who was so closely involved in the case. While there are more than 30 Soviet and East European trading companies and other commercial offices in the United States, there are more than 300 of them in Western Europe. As in the United States, almost all of them are engaged in acquiring Western technology for Soviet use.

The West European connection is important, and has many variations. Sometimes, these Soviet front organizations will try to buy restricted technology directly from American firms. Sometimes, they engage bona fide European firms as middlemen to obscure the ultimate destination of restricted equipment. Often they will deal with European subsidiaries of U.S. companies, hoping that controls may be a bit more lax. The variations are numerous. The results are the same. The Soviet intelligence services are involved in all such operations.

Second, take note that the Soviets knew exactly what they wanted. They were not just shopping around for a useful computer program. While the technology acquisition effort has been compared by some to a vacuum cleaner, in fact, it is a highly focused, well-managed collection program. Soviet agents have very specific shopping lists, right down to the model numbers.

Note too that the Belgian purchasing agent finally struck a deal with a man he thought was a Software employee out to make a fast buck by selling a computer tape. This did not seem odd to the Belgian, because as we all know, employee theft of high-technology materials is a severe and unfortunately common problem. For all its benefits, miniaturization has made pilfering relatively easy. Whether we are talking about tapes, chips, or production tools, we know that some of these materials are finding their way into Soviet hands.

Finally, note once again the use of Eastern European services for Soviet purposes: in this case, both the Hungarians and the Poles.

The third example is different from either of the two cases I have already described.

In the latter 1970s, there was a company in Corona, California, named Spawr Optical. They made high-precision laser mirrors for U.S. Defense Department projects. Now Mr. Spawr wanted to expand his business, but had few scruples about how he went about it. Spawr hired a West German representative and through him offered his laser mirrors to the Soviet Union. His first shipments he sent under falsified documentation and, of course, he had not asked for an export permit. Those mirrors are now in the USSR. Perhaps bothered by his conscience, Spawr did ask for an export license for the next lot of laser mirrors, but was turned down. He proceeded to export them under false cover again. He was caught.

Fortunately, the Spawr case is unusual, a case in which an American business knowingly and aggressively sold restricted materials to the Soviet Union. Unfortunately,

Approved For Release 2008/10/21 : CIA-RDP86B00338R000300430025-7

Approved For Release 2008/10/21 : CIA-RDP86B00338R000300430025-7

the case is not unique. If there is a lesson in the Spawr case that I would suggest to you, it is that while it may be possible to break export laws for some period of time, those who do so will eventually be caught. All of the offenders in the cases I have described to you went to jail.

I am sure that most of you are aware of the Boyce-Lee case, where once again the Soviets were more than happy to pay two unprincipled young men for information on some of our most sensitive satellite programs. This case was the subject of the recent best-seller, "The Falcon and the Snowman."

As a final example, let me illustrate the sophistication of the schemes the Soviets use to acquire our technology. Their boldness is astonishing. In August of last year, it was discovered, based on information provided by a U.S. company here in California, that a computerized processing system designed to enhance photographs taken from reconnaissance vehicles had been diverted to the Soviet Union in 1979 from its lawful destination—a firm in Great Britain. The equipment had been returned to the firm in the United States through Great Britain for "upgrading and modification." This incident, returning stolen equipment to the United States for repair, illustrates the confidence the Soviets have developed in the course of their efforts. But for the alertness of the U.S. firm, the equipment probably would not have been seized and would have found its way back to the USSR, complete with upgrades and modifications.

Let me give you a few more observations on patterns of Soviet acquisition of Western technology.

As you all are aware, most technology is applicable not only to just military uses, but has many bona fide civilian uses as well. In the sale of advanced technology to the Soviet Union, much is made at time of safeguards surrounding "dual use" equipment. The Soviets are made to promise that technology which would be of value in military systems will not be so used.

Let us look, for example, at the case of two floating drydocks built in the West for Soviet civilian use. These docks were beyond the technical capabilities of Soviet shipyards to build: they would have had to expand shipyard facilities, interrupting the construction of warships and submarines, and this would have taken a great deal of time and expense. The first of these two floating drydocks was towed immediately upon delivery to the Soviet Navy's Pacific Fleet in 1978. The second dock was towed to the Soviet Northern Fleet when it was delivered in 1981.

These "dual use" drydocks, which the Soviets promised would be used only for civilian purposes, are now being used to repair Kiev-class aircraft carriers, nuclear-powered ballistic missile submarines, and other warships. They no doubt will also be used for the new generation of Soviet aircraft carriers projected for the 1990s. To my knowledge, they have had no civilian use.

The Kama River truck plant, which I described earlier, is another example of "dual use."

Don't ever forget: the Soviet military has first pick for any new technology acquired in the West, it is not a surreptitious, backdoor arrangement; it is part of the system. When the state controls all aspects of the economy as it does in the Soviet Union, there is little real differentiation that can be made between civilian and military industry.

This espionage effort that I have outlined saves the Soviets billions of dollars in research and development costs. It saves the Soviets years in research and development time. Indeed, in cost vs. benefit terms, the KGB is far and away the most economically productive element of the Soviet economy, because of its contribution in the foreign technology area.

But the benefits to the Soviet Union do not stop there. With our best technology in hand, they can develop countermeasures to our systems before we ever deploy them.

And Soviet industrial espionage imposes new, ever-increasing costs on us, as we struggle constantly to overcome technology we have developed, which is now in Soviet hands.

Let us not fool ourselves by imagining that Soviet technological dependence on the West in itself condemns them to permanent inferiority. The Soviets are able to learn from our mistakes; they are able to select the best from both technological worlds; they are able to focus what R&D capital they do have on areas where we are the weakest. And, of course, the United States does not always choose to deploy weapons using this advanced technology—often the Soviets do.

So, what are we doing to turn this around?

In the government, our efforts are focused in two areas, domestic law enforcement and foreign intelligence.

As you know, the intelligence community is prohibited by law from getting involved in domestic law enforcement, but let me describe for you briefly some of what my colleagues in the law enforcement field are doing.

The Commerce Department has beefed up its Compliance Division, including the opening of new field offices here in San Francisco and in Los Angeles.

The Customs Service began what they call Operation Exodus in early 1982, to detect and prevent illegal exports of technology. The system includes a national command and coordination center at Customs Headquarters in Washington, where bits of information from all over the world are woven together to identify offenses in progress. Operation Exodus has already produced a number of prosecutions, and it is only now getting into full operation.

Here in California, the U.S. Attorney General established only a short time ago a Critical Technologies Task Force, including Assistant U.S. Attorneys, postal inspectors, and representatives from the Commerce Department, Customs, the FBI, and the IRS. The Task Force is setting up law enforcement coordination links with state and local police, as well as with the technology business in this area.

Because it is the Soviet Union that is behind this industrial espionage, the American intelligence community has become deeply involved in the national effort to stem the hemorrhage of critical technology to our adversaries.

We are redoubling our efforts to learn as exactly as possible what items are on the Soviets' shopping lists, so that industry and law enforcement can take defensive measure.

We are beefing up our counterintelligence efforts, monitoring the activities of Soviet and East European agents more closely, here in the United States, and overseas, particularly in Western Europe.

We are passing this intelligence to the Justice Department, the FBI, the Commerce Department, and other elements of the government to help them target their countermeasures.

The government is also taking measures in the policy area.

COCOM, the Coordinating Committee for Multilateral Export Controls, which consists of the United States, the major Western European countries, and Japan, is being strengthened, and technology export restrictions are being updated.

We are increasing restrictions on the activities of Soviet and East European citizens in the United States.

The administration is asking Congress for modifications to the Freedom of Information Act to deny the public release of sensitive technological information, especially that relating to U.S. weapon systems.

There are many things that we in the government can do, but in the struggle to deny the Soviet Union American weapons technology, the government is essentially on the sidelines. The front line in this struggle is in industry, in your backyard: in your laboratories, in your production shops, in your sales offices. Without your awareness and your commitment, we will fail in this crucial effort to protect our national security.

There is no high-technology firm that is free from the threat of Soviet infiltration or theft. The KGB does not just target those companies working on classified defense projects. Especially vulnerable are the many small companies, developing emerging technologies whose applications are only now being explored.

What am I asking you to do? I am only asking you to be aware of the facts. The facts are that advanced technology is the key to all modern weapon systems. The facts are that the Soviet Union has a fundamental dependence upon American technology for its own military expansion. The facts are that the Soviet leadership has ordered the KGB and the GRU to get that technology through any means they can. The facts are that the KGB and the GRU are here in California, carrying out those orders. These are not suspicions. These are not allegations. These are the facts.

The American defense technology industry—you here in this room this afternoon—have a heavy, unique responsibility. But also an opportunity.

Not only are you responsible for providing the means by which the United States can deter—or, if necessary, fight—a war. Not only are you responsible for protecting the security of those means of defense.

But, by denying the Soviet Union the fruits of your imagination, your innovation, your risk-taking, your investment—by denying the Soviet Union what you have worked for, you are not only protecting the United States, but you are also dealing a crucial, telling blow at the Soviet military buildup itself.

Just remember: they can't do it without you.●

SECURITY ASSISTANCE FOR EL SALVADOR

● Mr. EAST. Mr. President, I have been dismayed in recent days by the statements of some that military assistance to El Salvador may damage the U.S. economy. These comments follow the President's announced intention of obtaining $60 million to assist El Salvador's Government in fighting Communist terrorists.

We know from the record that virtually all security assistance given to foreign governments flows back into the American economy since the funds involved are provided for purchase of American goods and services.

Yet the same individuals who cite harm to the U.S. economy in connection with funds needed to hold back communism in Central America would

Approved For Release 2008/10/21 : CIA-RDP86B00338R000300430025-7

Approved For Release 2008/10/21 : CIA-RDP86B00338R000300430025-7

gladly permit billions of tax dollars to leave the U.S. Treasury to support the International Monetary Fund and other international financial institutions that back faltering socialist regimes worldwide.

Through various devices, the U.S. Government has already given $115.6 million tax dollars so far this year in addition to $351.1 million last year to the Communist regime in Poland. The total gift to Poland is $466.7 million with more on the way. But many of the same Congressmen and Senators who apparently think it is fine to bail out a military dictatorship in Poland will not support even a modest program to help a country struggling to prevent the kind of oppression that Poland now suffers.

These motives are hard to understand. Perhaps the most charitable characterization is that logic has never been known to burden particularly the U.S. Congress.●

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I have one nomination on today's Executive Calendar that appears to be cleared. May I inquire of the minority leader if he is prepared to proceed to the consideration of Robert A. Gielow, of Illinois, to be a member of the Railroad Retirement Board?

Mr. BYRD. Yes, Mr. President, I am prepared to proceed.

Mr. BAKER. Mr. President, there is also the possibility that I shall make more than one unanimous-consent request with respect to treaties while we are in executive session. Therefore, I ask unanimous consent that the Senate now go into executive session for the purpose of considering that nomination and for the purpose of making unanimous-consent requests with respect to certain treaties.

There being no objection, the Senate proceeded to the consideration of executive business.

RAILROAD RETIREMENT BOARD

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to consider the nomination of Robert A. Gielow, of Illinois, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Robert A. Gielow, of Illinois, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nominee was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, before I ask the Senate to return to legislative session, I hope we can clear two unanimous-consent requests with respect to treaties. While I check on that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MONTREAL AVIATION PROTOCOLS NOS. 3 AND 4

Mr. BAKER. Mr. President, I am told that it is perhaps agreeable to enter into a unanimous-consent agreement on the Montreal Aviation Protocols Nos. 3 and 4. I will state a request now for the consideration of the minority leader and the Members of the Senate.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that at 11 a.m. on Monday, March 7, the Senate go into executive session to consider Executive Calendar No. 1, the Montreal Aviation Protocols Nos. 3 and 4.

Further, I ask unanimous consent that the treaty be advanced through its various parliamentary steps up to and including the presentation of the resolution of ratification, that the committee reported conditions be deemed agreed to, and that the time on the resolution of ratification be as follows: Six hours on the resolution to be equally divided between the chairman of the Foreign Relations Committee and the ranking minority member or their designees, and that no further understandings, reservations, conditions, declarations, or statements shall be in order.

I also ask unanimous consent that if a rollcall vote is ordered on the resolution of ratification, it occur at 11 a.m. on Tuesday, March 8, 1983.

Finally, Mr. President, I ask unanimous consent that there be 1 hour of debate prior to the vote on Tuesday to be equally divided between the distinguished Senator from Kansas (Mrs. KASSEBAUM) and the distinguished minority leader (Mr. BYRD) or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICE. Without objection, it is so ordered.

The text of the resolution of ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12, 1929, as Amended by the Protocols done at The Hague, on September 28, 1955, and at Guatemala City, March 8, 1971 (hereinafter, Montreal Protocol No. 3); and Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12, 1929 as Amended by the Protocol done at The Hague on September 8, 1955 (hereinafter Montreal Protocol No. 4): *Provided* that:

(1) the President shall not deposit the instruments of ratification for the United States until he has determined that a satisfactory supplemental compensation plan, as reviewed and approved by the Civil Aeronautics Board or its appropriate successor, will be in operation for the United States; and

(2) the President shall give notice of denunciation of these Protocols by the United States if, at any time after their entry into force for the United States, he determines that a satisfactory supplemental compensation plan, as periodically reviewed by the Civil Aeronautics Board in light of new economic or other relevant circumstances, is not in operation for the United States, or that the best interests of United States airline passengers are not otherwise served by continued adherence to these Protocols by the United States; and

(3) the United States Government shall continue actively to seek to negotiate higher limits on the liability of carriers than those provided under these Protocols.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 76

Mr. BAKER. Mr. President, I wish to propound a unanimous-consent request, as in legislative session.

Mr. President, I ask unanimous consent that tomorrow at 11 a.m. the Senate turn to the consideration of Senate Resolution 76, the resolution containing the committee budgets for the several committees of the Senate. I further ask unanimous consent, Mr. President, that no nongermane amendments be in order to the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader. As I indicated earlier, to do that required the waiver of the 1-day rule and the 3-day rule. I am most grateful to the minority leader for arranging that so that the Senate will have that important piece of business to dispose of at that convenient hour.

CALENDAR OF BUSINESS

Mr. President, there are certain other things that can be done tomor-

Approved For Release 2008/10/21 : CIA-RDP86B00338R000300430025-7